

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WAYNE BERRY,

Plaintiff,

vs.

DEUTSCHE BANK TRUST COMPANY
AMERICAS (FKA BANKERS TRUST
COMPANY) and JP MORGAN CHASE
BANK in their separate capacities and as
agents for the pre- and post-petition lenders of
Fleming Companies, Inc.; GENERAL
ELECTRIC CAPITAL CORPORATION;
C&S WHOLESALE GROCERS, INC.; THE
POST-CONFIRMATION TRUST OF
FLEMING COMPANIES, INC.; ROBERT
KORS; CORE-MARK HOLDINGS INC. and
DOES 1 to 200,

Defendants.

Case No. 01:07 CV 7634 (WHP)

ECF Case

DEFENDANTS' NOTICE OF JOINT MOTION FOR
SECURITY PURSUANT TO LOCAL RULE 54.2

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Trust, Robert Kors, Deutsche Bank Trust
Companies Americas and JP Morgan Chase
Bank

PLEASE TAKE NOTICE that all Defendants in this matter upon DEFENDANTS' JOINT MOTION FOR SECURITY PURSUANT TO LOCAL RULE 54.2 will move before the Honorable William H. Pauley III, Judge of the United States District Court for the Southern District of New York, at the United States District Courthouse, located at 500 Pearl Street, Courtroom 11D, New York, New York 10007, at 10:30 a.m. on April 4, 2008, for an order to requiring the Plaintiff to post bond in the amount set forth in said motion.

DATED: February 26, 2008

By: /s/ Erin N. Brady
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